

REGULAR MEETING of the CORNWALL TOWN BOARD was held on the 8<sup>th</sup> day of April, 2013 in the First Floor Court Room, 183 Main Street, Cornwall, NY 12518

PRESENT: Supervisor  
Councilpersons

D. KEVIN QUIGLEY  
ALEXANDER MAZZOCCA  
ELIZABETH LONGINOTT  
RANDOLPH CLARK  
MARY BETH GREENE

Also PRESENT: STEVE GABA, representing attorney for Town, JAMES R. LOEB Esq.

**Pledge of Allegiance**

**Approval of Minutes** – March 11, 2013 Regular Meeting; April 2, 2013 Work Session – A motion to approve was made by Councilman CLARK, seconded by Councilwoman LONGINOTT.

**ROLL CALL VOTE:** Unanimous Aye.

**Public Comment Agenda Items** – None

**Agenda Item #1 – Resolution – Set Public Hearing – Amend Local Law Town code Sec. 75-7(l) –**

Supervisor QUIGLEY explained that this resolution and the following three were to set public hearings on zoning changes we have made. WHEREAS, the Town Board of the Town of Cornwall has a local law before it entitled: "A local law to amend Town Code Chapter 75 by amending Town Code Section 75-7(l)", a copy of which is attached hereto, and WHEREAS, the Town Board wishes to amend the Town Code provisions regarding clearing and grading to implement the provisions of the Town's Comprehensive Plan regarding land use development and environmental conservation, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the above local law, and
2. That the proposed local law be forwarded to the Town of Cornwall Planning Board for review and report, and
3. That a public hearing on the proposed local law be set for May 13, 2013 at 7:15 o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

A motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #2 – Resolution – Set Public Hearing – Amend Local Law Town Code Sec. 125-2(A)(19) –**

WHEREAS, the Town Board of the Town of Cornwall has a local law before it entitled: "A local law to amend Town Code Chapter 125 by amending Town Code Section 125-2 (A)(a9)", a copy of which is attached hereto, and WHEREAS, the Town Board to amend the Town Code provisions regarding subdivision of land and preservation of trees to implement the provisions of the Town's Comprehensive Plan, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the above local law, and

2. That the proposed local law be forwarded to the Town of Cornwall Planning Board for review and report, and
3. That a public hearing on the proposed local law be set for May 13<sup>th</sup> 2013 at 7:15 o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

A motion to approve was made by Councilman CLARK, seconded by Councilwoman LONGINOTT.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #3 – Resolution – Set Public Hearing – Amend Local Law Town Code Sec. 158-5 –**

WHEREAS, the Town Board of the Town of Cornwall has a local law before it entitled: "A local law to amend Town Code Chapter 158 by amending Town Code Section 158-5 "zoning Map" to change the zoning designation of certain property from "PRD" to "HC", a copy of which is attached hereto, and WHEREAS, the Town Board wishes to change the zoning designation of the real property described on the tax maps as Section 9, Block 1, Lot 25.1, NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the movant of this resolution does hereby introduce the above local law, and
2. That the proposed local law be forwarded to the Orange County Department of Planning for review and report, and
3. That the proposed local law be forwarded to the Town of Cornwall Planning Board for review and report, and
4. That a public hearing on the proposed local law be set for May 13<sup>th</sup> 2013 at 7:15 o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

A motion to approve was made by Councilwoman GREENE, seconded by Councilwoman LONGINOTT.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #4 – Resolution – Set Public Hearing – Amend Local Law Town Code Sec. 158-21(H) –**

WHEREAS, the Town Board of the Town of Cornwall has a local law before it entitled: "A local law to amend Town Code Chapter 158 by amending Town Code Section 158-21(H) and creating a new Code Section 158-25.2", a copy of which is attached hereto, and WHEREAS, the Town Board wishes to amend the Town zoning Code to implement the provisions of the Town's Comprehensive Plan regarding multiple dwellings and affordable housing, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the above local law, and
2. That the proposed local law be forwarded to the Orange County Department of Planning for review and report, and
3. That the proposed local law be forwarded to the Town of Cornwall Planning Board for review and report, and
4. That a public hearing on the proposed local law be set for May 13<sup>th</sup> 2013 at 7:15 o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

A motion to approve was made by Councilman CLARK, seconded by Councilwoman LONGINOTT.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #5 – Resolution – Chamber of Commerce Fall Festival** – Supervisor QUIGLEY advised that this resolution is due to a new requirement by the County. WHEREAS, the Town Board has received a request from The Greater Cornwall Chamber of Commerce (the “Chamber”) to hold its annual Fall Festival on Sunday, September 15, 2013, and WHEREAS, the Chamber requests that Main Street be closed to vehicular traffic from the traffic circle to Hazen Street during the hours of 7:00 a.m. to 5:00 p.m. on that date, and WHEREAS, the Chamber must submit an application to the County of Orange for a permit for the event which requires that a formal resolution of the Cornwall Town Board be presented along with the permit application, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board supports the Chamber’s Fall Festival annual event and authorizes the closure of Main Street for the above date, time and distance, and
2. That the Town Clerk is directed to prepare a certified copy of this resolution for inclusion with the Chamber’s application to the County of Orange.

A motion to approve was made by Councilwoman GREENE, seconded by Councilman MAZZOCCA.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #6 – Resolution – Arbor Day** – Supervisor QUIGLEY advised that this is for our annual event. WHEREAS, trees have long played a significant role in human life, such as providing orchard crops and wood for building, use as an energy source and many other vital purposes, and WHEREAS, trees are an important component of the natural landscape because of their aesthetic appeal, their prevention of erosion and their provision of shade and a weather-sheltered ecosystem under their foliage, and WHEREAS, trees play an indispensable part in the environment, producing oxygen and reducing carbon dioxide in the atmosphere, and WHEREAS, the Town of Cornwall recognizes the importance of trees and for many years has been proud to participate in the annual celebration of Arbor Day, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board wishes to celebrate Arbor Day by encouraging its citizens to participate in environmental activities in keeping with the spirit of Arbor Day, and
2. That the Town Board encourages the citizens of the Town of Cornwall to plant and care for trees in honor of this special day.

Councilwoman GREENE advised that the tree planting will be held on April 26<sup>th</sup> at 5:00 P.M. A motion to approve was made by Councilman MAZZOCCA, seconded by Councilman CLARK.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #7 – Resolution – Revaluation Services** – Supervisor QUIGLEY advised that the Town Board is considering doing a revaluation of all Cornwall properties. WHEREAS, heretofore the Assessor and the Town Board have discussed conducting a revaluation update of all properties located within the Town of Cornwall, and WHEREAS, the Assessor and the Town Board are desirous of proceeding with the property assessment revaluation process, NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board does hereby authorize the Assessor to procure at least three proposals for revaluation services

from various companies interested in working with the Town during this process. A motion to approve was made by Councilman CLARK, seconded by Councilwoman LONGINOTT.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #8 – Resolution –Prosecuting Building Code Violations –** WHEREAS, the Building Inspector of the Town has requested legal assistance in handling code enforcement violations within the Town, and WHEREAS, the Attorneys for the Town are experienced in handling such matters, NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board does hereby authorize the Attorneys for the Town to work with the Building Inspector in prosecuting building code violations, and
2. That the Attorneys for the Town will provide the Town Board with monthly reports detailing the progress of the various matters together with associated costs and expenses.

A motion to approve was made by Councilman CLARK, seconded by Councilwoman LONGINOTT.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #9 – Local Laws No. 2 & 3 of 2013 Filed in Secretary's Office –** Supervisor QUIGLEY read into the minutes that Local Law No. 2 "Towing" was filed in the Secretary's office on January 28<sup>th</sup> and Local Law No. 3 "Tax Bill Enclosures" was filed on February 28<sup>th</sup> and are now both in effect.

**Agenda Item #10 – Youth Day Fishing – Black Rock Bass Busters –** Supervisor QUIGLEY advised that he received a request from Chairman Mike Berkery to hold the annual Youth Day Fishing Contest at Rings Pond on Saturday, June 22<sup>nd</sup> from 8 am to 12 noon with a rain date of June 23<sup>rd</sup> 2013. This event is open to all children ages 5 through 15. A motion to approve was made by Councilwoman GREENE, seconded by Councilman CLARK.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #11 – Fund Transfer –** Supervisor QUIGLEY advised that we needed to do a fund transfer from Recreation Fees to the General Fund to pay for the Playcurb package for the playground. A motion to approve was made by Councilwoman GREENE, seconded by Councilman CLARK.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #12 – Surplus Vehicle – Police Department –** Supervisor QUIGLEY advised that he received a request from Chief Hazard to declare vehicle 408, a 2008 Ford Crown Victoria VIN# 2FAHP71V88X103137 surplus and list it with Govdeals.com. A motion to approve was made by Councilwoman GREENE, seconded by Councilman CLARK.

**ROLL CALL VOTE:** Unanimous Aye.

**Agenda Item #13 Personnel:**

**Planning Board:** Supervisor QUIGLEY advised that Mr. Richard Bischoff had a seat on the Zoning Board of Appeals, but originally wanted to be on the Planning Board, and as Helen Bunt has vacated her seat; Mr. Bischoff can now be appointed to fulfill the term until December 31, 2017. A motion to approve was made by Councilwoman GREENE, seconded by Councilman CLARK.

**ROLL CALL VOTE:** Unanimous Aye.

**Zoning Board of Appeals:** Supervisor QUIGLEY advised that Arlene Roberts would like to be appointed to fill in for the seat vacated by Richard Bischoff with a term ending December 31, 2016. A motion to approve was made by Councilwoman GREENE, seconded by Councilman CLARK.

**ROLL CALL VOTE:** Unanimous Aye.

**Lifeguards** – A motion to hire the lifeguards as per the attached list was made by Councilwoman GREENE, seconded by Councilman CLARK.

**ROLL CALL VOTE:** Unanimous Aye.

**Committee Reports:**

**Dream Factory:** Supervisor QUIGLEY advised that Bill Diamond was a special guest at last week's Work Session and asked for a letter of support from the Town Board for his bid to purchase property in the Town and create something similar to Universal Studios which would include film and TV studios, museums, arcade, etc. Supervisor QUIGLEY advised that the Board was in favor of having the production company come to the Town of Cornwall and that he would send out the letter of support.

**Mill Street Clean-up:** Supervisor QUIGLEY advised that the clean-up has been resumed.

**E-mail List:** Supervisor QUIGLEY advised the public that there has been a Freedom of Information Law request put in for the email addresses that members of the public gave out to the Town Clerk in anticipation of receiving the email packet given to the Town Board regarding Cornwall Commons. The Town Clerk's office called Robert Freeman, the Executive Director for the Committee on Open Government to see what his opinion was, and were informed that the names could be redacted but that the e-mail addresses were in fact subject to the FOIL process.

**Cornwall Commons / COVAC Special Meeting:** Supervisor QUIGLEY advised that we could hold a Special Town Board meeting regarding the Cornwall Commons and COVAC on April 22<sup>nd</sup> 2013 starting at 7:00 P.M. in the Court Room. Attorney GABA advised that he was going to ask the Town Planner, Leslie Dotson if she was available to attend.

**Police Department:** Councilwoman GREENE advised that there were 32 motor vehicle accidents for the month of March. Councilwoman GREENE stated that there are a lot of new drivers out there who have just taken their test; so we ask that, while driving through the Town, you be mindful of your surroundings. There were 15 reports of suspicious vehicles or persons, and as we do every month, we want to thank those people who are keeping their eyes open and looking after the residents of the Town of Cornwall by calling in these reports. There were 29 house checks, so if you are going out of Town and would like for the police department to check your house, please stop in the police station and fill out a form and they will do so. Councilwoman GREENE advised that she has been working with Chief Hazard on collecting the New York State Fire Arms Licensing Requests also known as the opt out form. We have been working with all law enforcement and court officers to make sure that their privacy is respected and make sure that they are not subject to FOIL.

**Verizon:** Councilman MAZZOCCA advised that there has been a rate increase and that all Verizon customers have been notified.

**Recreation:** Councilwoman LONGINOTT advised that there will be a concert at West Point in the Eisenhower Ballroom on Sunday, May 19<sup>th</sup> 2013. The bus will depart from Munger Cottage at 1:30 P.M.

and arrive back at 5:00 P.M. for a Pizza party. Total cost for seniors is \$5 per person. There will be a trip to Mohegan Sun on Tuesday, March 26<sup>th</sup> leaving Town Hall at 8:00 a.m. Total cost is \$36 per person (\$15 meal credit and 2 - \$10 free bets). You must be at least 21 years old or older. Councilwoman LONGINOTT advised that there is a scheduled trip to the Bronx Zoo set for October 15<sup>th</sup> 2013 departing Town Hall at 8:15 a.m. and arriving back at 4:45 p.m. Total cost is \$25 for Cornwall seniors and \$30 for non-resident seniors. There will be a trip to Villa Roma Christmas Holiday and Luncheon on December 3<sup>rd</sup> 2013 departing Town Hall at 8:30 a.m. and arriving back at 6:00 p.m. Total cost for Cornwall seniors is \$35 and \$40 for non-resident seniors. Councilman MAZZOCCA added that the West Point concert is always a great time for the cost of only \$5 you get the bus trip there and back, a wonderful concert, pizza, soda and just an all around good time.

**Town Pool:** Supervisor QUIGLEY advised that the pool is doing well and holding water but some work needs to be done on the surface line for the wading pool which would be done in-house by Superintendent of Building and Grounds, Albert Conley. Councilman MAZZOCCA added that Mr. Conley always does a great job.

**COVAC:** Councilman CLARK advised that there were 54 ALS calls and 19 BLS calls for a total of 73. Councilman CLARK advised that one of the vehicles is out of service, and that the Board will be reviewing their options, but all the other vehicles were operational. The billing is up and running and he thought that they had billed approximately \$50,000. COVAC volunteer Chris Deitz advised that he was not sure of the exact amount.

**Orange County:** Legislator James Skoufis thanked the Town Board for allowing him to come to Cornwall to speak to the residents and hear their concerns. Mr. Skoufis advised that he does this at all the municipalities. Mr. Skoufis stated that he was happy to announce that he played a part of getting and increase in the CHIPS program for the first time in years and knew that Cornwall was being increased by approximately 27 to 28%. Legislator Skoufis also stated that he sent a letter to the DEC regarding the wells in Cornwall and was hopeful that the DEC would hold a public hearing; and if they do, he promised to send all the residents in Cornwall an automated phone call letting everyone know the details of where and when the public hearing would be held. Mr. Skoufis thanked the Board once again and advised that his door is always open.

**Warrant #4:** Supervisor QUIGLEY called for a motion on Warrant #4, a motion to approve was made by Councilwoman GREENE, seconded by Councilman CLARK.

**ROLL CALL VOTE:** Unanimous Aye.

**Public Comment:** None

A motion to go into Closed Session to seek legal counsel and discuss litigation was made by Councilwoman GREENE, seconded by Councilman CLARK.

**ROLL CALL VOTE:** Unanimous Aye.

Renata McGee  
Town Clerk